

Application No. 10/723723
Response to Office Action of July 17, 2008

Atty. Docket No. 6570P007
Examiner MURDOUGH, Joshua A.

Amendments to the Drawings:

Please replace FIGS. 1-3 with the replacement drawing included in the Appendix to this response. Applicants submit that the amended FIGS. 1-3 are fully supported by paragraphs [00012], [00028] and [00036] of the specification, and that no new matter has been added. As amended, FIGS. 1-3 have been changed to more clearly indicate elements of certain embodiments of the invention. More particularly, Applicants amend FIGS. 1-3 herein to more clearly show a third-party buyer 105, an authentication service 122 of server system 120 and an identifier service 124 of server system 120.

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REMARKS

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1-10, 12-16, 18-22, 24, 25, 28, 29, 32, 33, 35-38 and 47-50 have been amended. Claims 31, 40-46 have been canceled without prejudice. No claims have been added. Thus, claims 1-30, 32-39 and 47-50 are pending.

Objections to the Drawings

The Office Action variously objects to the drawings under 37 C.F.R. §1.83(a). For at least the following reasons, Applicants traverse the above objection to the drawings.

In Item 5 of the *Drawings* section, the Office Action objects to an alleged failure of the drawings to show the claimed "third-party" and "authentication mechanism". Applicants amend FIGS. 1-3 herein to more clearly show a third-party buyer 105 and an authentication service 122 of server system 120. The amended figures are supported in the original disclosure at least by paragraphs [00012], [00028] and [00036] of the specification. Applicants respectfully submit that the figures as amended show the features of the invention as recited in the claims.

In an interview with Examiner Murdough on October 07, 2008, it was agreed that Item 6 of the *Drawings* section is withdrawn.

In Item 7 of the *Drawings* section, the Office Action objects to an alleged failure of the drawings to show a claimed identifier generator. Applicants amend FIG. 1 herein to more clearly show an identifier service 124 of server system 120. The amendments to FIG. 1 are supported in the original disclosure at least by paragraphs [00028] and [00036] of the specification. Applicants respectfully submit that the figures as amended show the features of the invention as recited in the claims.

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In Item 8 of the *Drawings* section, the Office Action provides general comments directed to the relationship between the secure electronic agent 400 of FIG. 4 and FIGS. 1-3. However, Item 8 does not actually articulate any inadequacy of the figures. Absent any particular objection to the drawings in Item 8, Applicants simply note that paragraph [00028] of the specification states (emphasis added):

"...The illustrated embodiment of secure electronic agent 400 includes authentication module 410, authorization module 420, Encryption module 430, digital signature module 440, access control module 450, faceless receipt module 460, identifier generator 470, and notary module 480. In an embodiment of the invention, secure electronic record agent 400 **provides secure electronic record services** in a distributed computing system."

and that paragraph [00036] of the specification states (emphasis added):

"...As described above **with reference to FIGs. 1 through 4, the server system may provide a number of security features including:** authentication, authorization, encryption, digital signatures, access control, faceless receipts, unique identifiers, and/or notary services. In an embodiment, the generated secure electronic records have a uniform data format and also have data semantics that are understood by a plurality of record processing clients."

Based on the foregoing, Applicants respectfully submit that one of ordinary skill in the art would understand from the specification and figures the relationship between agent 400 and amended FIGs. 1-3.

Accordingly, Applicants submit that the amendments herein cure any alleged deficiencies of the drawings. For at least the foregoing reasons, Applicants respectfully request that each of the above objections to the drawings be withdrawn.

Objection to the Specification

The Office Action variously objects to the specification for allegedly failing to provide antecedent basis for various limitations in claims 31 and 40-46. For at least the following reasons, Applicants traverse the above objection to the specification

Without agreeing as to any alleged basis of the above objection to the specification, and solely in order to advance the application to allowance, Applicants cancel each of claims 31 and 40-46, rendering moot the above objection. For at least the

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foregoing reasons, Applicants respectfully request that the above objection to the specification be withdrawn.

35 U.S.C. §112 Rejections

Rejections under 35 U.S.C. §112, ¶2

The Office Action rejects claims 2, 8, 13, 16, 21, 22, 25, 31, 35-46 under 35 U.S.C. §112, ¶2 for failure to point out and distinctly claim that which Applicants regard as their invention. Claims 31 and 40-46 are canceled herein, rendering moot the above rejection as applied thereto. For at least the following reasons, Applicants traverse the above rejection as applied to pending claims 2, 8, 13, 16, 21, 22, 25, and 35-39.

The Office Action variously rejects claims 2, 8, 13, 16 and 35 by alleging indefiniteness as to whether a given client requesting generation of a secure electronic record is or is not one of a plurality of clients receiving at least a portion of the secure electronic record. Applicants amend each of claims 2, 13, 16 and 35 to variously recite that the request to generate a secure electronic record is received from a **first client system**, and that transmitting at least a portion of the secure electronic record to a second client system includes transmitting to a plurality of client systems **other than the first client system**. Support for references to the second client are found at least in paragraph [0006] and [00023] of the specification. Applicants note that amended claim 8 does not recite or incorporate limitations directed to a plurality of clients. Accordingly, Applicants respectfully submit that the currently amended claims cure any alleged indefiniteness regarding whether a first client system belongs in a claimed plurality of client systems.

The Office Action further rejects claims 35-39 for including references to "a processor and logic executable thereon". Applicants amend claims 35-39 to replace references to "a processor and logic executable thereon" with references to an electronically accessible medium providing instructions to be executed by a processor. Accordingly, Applicants respectfully submit that the currently amended claims cure any alleged indefiniteness regarding logic executable by a processor.

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The Office Action further rejects claims 21, 22 and 25 for alleged indefiniteness as to whether a special authority client system and/or a tax collecting authority client system is a client 115. Applicants respectfully submit that based at least on the amendments to claim 1, the special authority system and tax collecting authority system variously recited in currently amended claims 21, 22 and 25 are clearly distinguished from a client such as client 115 in the figures. Accordingly, Applicants respectfully submit that the currently amended claims cure any alleged indefiniteness regarding a special authority system and a tax collecting authority system.

For at least the foregoing reasons, Applicants respectfully submit that each of the currently amended claims particularly points out and distinctly claims that which Applicants regard as their invention. Therefore, Applicants respectfully request that the 35 U.S.C. §112, ¶2 rejection of claims 2, 8, 13, 16, 21, 22, 25, and 35-39 be withdrawn.

35 U.S.C. §101 Rejections

The Office Action rejects claims 14, 15, and 40-46 under 35 U.S.C. §101 as allegedly being directed toward non-statutory matter. Applicants cancel claims 40-46 herein, rendering moot the above rejection as applied thereto. For at least the following reasons, Applicants traverse the above rejection as applied to pending claims 14 and 15.

The Office Action alleges that each of method claims 14 and 15 encompass and are directed to a human being insofar as they variously recite transmitting at least a portion of the secure electronic record to a special authority interpreted to include a human being. Without agreeing as to the alleged basis for the above rejection, and solely in order to advance the application to allowance, Applicants amend claims 14 and 15 to recite a special organization and a tax collecting organization. Applicants further note that the amendments to claims 14 and 15 were agreed upon in the interview with Examiner Murdough on October 07, 2008.

For at least the foregoing reasons, Applicants respectfully submit that the currently amended claims are directed to statutory subject matter. Therefore, Applicants

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respectfully request that the 35 U.S.C. §101 rejection of pending claims 14 and 15 be withdrawn.

35 U.S.C. §102 Rejections

35 U.S.C. §102(b) Rejection over *Lewis*

The Office Action rejects claims 1, 3-7, 10-12, 14, 15, and 17-23 under 35 U.S.C. §102(b) as allegedly being anticipated by *Lewis et al.*, USPN 6,233,565 (hereinafter "*Lewis*"). A claim is anticipated only if each and every claim element is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. See M.P.E.P. §2131. For at least the following reasons, Applicants traverse the above rejection.

Applicants respectfully submit that each of the above rejected claims is not anticipated by *Lewis*, based at least on the failure of the reference to teach (emphasis added):

"...receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system..."

as variously recited in current independent claim 1.

In rejecting claim 1, the Office Action relies upon a BATCH exchange (*Lewis* FIG. 1A) between third party seller 6 and data management 42 of RSP 4 as allegedly anticipating a server system receiving a request to generate a secure electronic record of a third-party transaction conducted independent of the server system. Applicants note that in various rejections of **other** independent claims, the Office Action also relies upon a **different** request sent from customer 2n to indicium generation 43 of RSP 4 (*Lewis* FIG. 1A) as allegedly anticipating the variously claimed requests to generate a secure electronic record. As discussed below, Applicants respectfully submit that neither of these two exchanges in *Lewis* anticipates the currently claimed receiving **at a server system a request from a first client system** to generate a secure electronic record of a

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third-party transaction conducted independent of the server system between a buyer and the first client system.

With regard to the relied-upon BATCH exchange of FIG. 1 A of *Lewis*, Applicants note that the BATCH exchange relates only to the offloading of **indicia files** to a third party seller (TPS). See, e.g. *Lewis* col. 19, lines 27-32. More particularly, the **indicia** in question – e.g. an "intelligent indicia 74" or more simply "indicia 74" – is evidence of payment for a virtual postage stamp that customer 2n purchases, downloads and prints **from RSP 4**. See, e.g. *Lewis* col. 12, lines 52-62. Applicants note that a mere indicia of a postage stamp sale by RSP 4 to customer 2n is not a record of a transaction conducted **independent of RSP 4**. Therefore, any BATCH message received at RSP 4 to request an offload of indicia of a postage stamp sale by RSP 4 cannot anticipate a server system receiving a request to generate a record of a transaction conducted **independent of RSP 4**. Furthermore, TPS 6 in FIG. 1A does not anticipate the first client system, at least insofar as **TPS 6 is not a buyer** to whom RSP 4 sold a postage stamp in the transaction indicated by the indicia offloaded in the BATCH exchange. Applicants further note that *Lewis* also fails to disclose the RSP 4 offloading an indicia file to a **second client system** – i.e. other than TPS 6.

By contrast, currently amended claim 1 recites receiving **at a server system** a request **from a first client system** to generate a secure electronic record of a third-party business transaction conducted **independent of the server system** between a buyer and **the first client system**. Even assuming that all other claim limitations are anticipated by *Lewis*, which Applicants do not agree, the relied-upon BATCH exchange in the reference nevertheless fails to anticipate, for example, receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system.

With regard to the alternately relied-upon request sent from customer 2n to indicium generation 43 of RSP 4 (*Lewis* FIG. 1A), Applicants simply note that this request is disclosed in *Lewis* as being a communication for the purchase of a virtual postage stamp **from RSP 4** by customer 2n. See, e.g. *Lewis* col. 19, line 52 to col. 20,

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line 10. Therefore, this alternately relied-upon request from customer 2n does not anticipate a request to generate a record of a transaction conducted **independent of a** server system, at least insofar as the RSP 4 – which is alleged to anticipate said server system – is a party to the purchase of the virtual postage stamp. Therefore, the relied-upon request from customer 2n to indicium generation 43 of RSP 4 in *Lewis* – i.e. in addition to the BATCH exchange in *Lewis* – also fails to anticipate the currently claimed receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted **independent of the** server system between a buyer and the first client system.

Moreover, insofar as a BATCH transaction in *Lewis* merely offloads indicia for storage in a log database, *Lewis* also fails to disclose any data processing of the offloaded indicia based on any semantics of the indicia shared by the TPS 6 and RSP4. By contrast, currently amended claim 1 recites transmitting at least a portion of the secure electronic record to a second client system to perform data processing of the transmitted portion of the secure electronic record based on semantics of the secure electronic record shared by the second client system and the server system. This amendment is supported in the original disclosure at least by paragraph [00026] of the specification. Therefore, the reference fails to either expressly or inherently disclose at least one limitation of Applicants invention in as complete detail as set forth in the claims, as required by M.P.E.P. §2131.

For at least the foregoing reasons, *Lewis* fails to anticipate each of independent claim 1, and any claim depending therefrom. Therefore, Applicants request that the above 35 U.S.C. §102(b) rejection of claims 1, 3-7, 10-12, 14, 15, and 17-23 based on *Lewis* be withdrawn.

35 U.S.C. §103(a) Rejections

35 U.S.C. §103(a) Rejection over *Lewis* in view of *MPEP 2144.04*

The Office Action rejects claims 2, 8, 13, 16, 24-28, 30-32, and 34-50 under 35 U.S.C. §103(a) as allegedly being obvious in light of *Lewis et al.*, USPN 6,233,565

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(hereinafter "*Lewis*") in view of MPEP 2144.04 V (C), (hereinafter "*MPEP*").

Applicants cancel claims 31 and 40-46 herein, rendering moot the above rejection as applied thereto. For at least the following reasons, Applicants traverse the above rejection as applied to pending claims 2, 8, 13, 16, 24-28, 30, 32, and 34-39 and 47-50.

The above pending claims variously incorporate the limitations of currently pending independent claims 1, 24, 35 and 47. Each of the current independent claims 1, 24, 35 and 47 is amended herein to variously recite receiving **at a server system** a request **from a first client system** to generate a secure electronic record of a third-party business transaction conducted **independent of the server system** between a buyer and **the first client system**. As discussed above with reference to current claim 1, *Lewis* fails to expressly or inherently disclose receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system.

In the above claim rejection, the Office Action does not offer any alleged basis for *Lewis* and *MPEP* to teach or suggest those limitations of claim 1 which are not expressly or inherently disclosed by *Lewis* alone. Applicants respectfully submit that no combination of *Lewis* and *MPEP* teaches or suggests receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. Therefore, the cited references fail to either teach or suggest at least one limitation of the invention as variously recited in each of current independent claims 1, 24, 35 and 47.

Accordingly, each of current independent claims 1, 24, 35 and 47 is non-obvious in light of *Lewis* and *MPEP*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 2, 8, 13, 16, 24-28, 30, 32, and 34-39 and 47-50 based on *Lewis* and *MPEP* be withdrawn.

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35 U.S.C. §103(a) Rejection over *Lewis* in view of *RFC* 2617

The Office Action rejects claims 9 under 35 U.S.C. §103(a) as allegedly being obvious in light of *Lewis et al.*, USPN 6,233,565 (hereinafter "*Lewis*") in view of RFC 2617, (hereinafter "*RFC*"). In rejecting the above claim, the Office Action relies upon the previously discussed rejection of independent claim 1. For at least the following reasons, Applicants traverse the above rejection.

As discussed above, claim 1 includes at least one limitation which is neither taught nor suggested in *Lewis* – e.g. receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. In the above claim rejection, the Office Action fails to offer *RFC* as teaching or suggesting those limitations of current claim 1 which are not taught or suggested by *Lewis* alone. Applicants respectfully submit that no combination of *Lewis* and *RFC* teaches or suggests receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. Therefore, the cited references fail to either teach or suggest at least one limitation of the invention as recited in independent claim 1.

Accordingly, independent claim 1 is non-obvious in light of *Lewis* and *RFC*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 9 based on *Lewis* and *RFC* be withdrawn.

35 U.S.C. §103(a) Rejection over *Lewis* in view of *MPEP* 2144.04 and *RFC* 2617

The Office Action rejects claims 29 under 35 U.S.C. §103(a) as allegedly being obvious in light of *Lewis et al.*, USPN 6,233,565 (hereinafter "*Lewis*") in view of MPEP 2144.04 V (C), (hereinafter "*MPEP*") and in further view of RFC 2617, (hereinafter "*RFC*"). In rejecting the above claim, the Office Action relies upon the previously-discussed 35 U.S.C. §103 rejection of dependent claim 28 based on *Lewis* and *MPEP*. For at least the following reasons, Applicants traverse the above rejection.

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As discussed above, claim 28 includes at least one limitation which is neither taught nor suggested by any combination of *Lewis* and *MPEP* – e.g. receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. In the above claim rejection, the Office Action fails to offer *RFC* as teaching or suggesting those limitations of current claim 28 which are not taught or suggested by *Lewis* and *MPEP* alone. Applicants respectfully submit that no combination of *Lewis*, *MPEP* and *RFC* teaches or suggests receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. Therefore, the cited references fail to either teach or suggest at least one limitation of the invention as recited in claim 28.

Accordingly, claim 28 is non-obvious in light of *Lewis*, *MPEP* and *RFC*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 29 based on *Lewis*, *MPEP* and *RFC* be withdrawn.

35 U.S.C. §103(a) Rejection over *Lewis* in view of *MPEP* 2144.04 and *RFC* 2617

The Office Action rejects claims 33 under 35 U.S.C. §103(a) as allegedly being obvious in light of *Lewis* et al., USPN 6,233,565 (hereinafter “*Lewis*”) in view of *MPEP* 2144.04 V (C), (hereinafter “*MPEP*”) and in further view of *RFC* 2617, (hereinafter “*RFC*”). In rejecting the above claim, the Office Action relies upon the previously-discussed 35 U.S.C. §103 rejection of dependent claim 32 based on *Lewis* and *MPEP*. For at least the following reasons, Applicants traverse the above rejection.

As discussed above, claim 32 includes at least one limitation which is neither taught nor suggested by any combination of *Lewis* and *MPEP* – e.g. receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. In the above claim rejection, the Office Action fails to offer *RFC* as teaching or suggesting those limitations of current claim 32 which are not

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taught or suggested by *Lewis* and *MPEP* alone. Applicants respectfully submit that no combination of *Lewis*, *MPEP* and *RFC* teaches or suggests receiving at a server system a request from a first client system to generate a secure electronic record of a third-party business transaction conducted independent of the server system between a buyer and the first client system. Therefore, the cited references fail to either teach or suggest at least one limitation of the invention as recited in claim 32.

Accordingly, claim 32 is non-obvious in light of *Lewis*, *MPEP* and *RFC*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 29 based on *Lewis*, *MPEP* and *RFC* be withdrawn.

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CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-30, 32-39 and 47-50 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 10/17/2008

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Appendix:

Please see the attached replacement sheets for FIGS. 1-3, included hereafter.